

IN THE UNITED STATES DISTRICT COURT
FOR THE TERRITORY OF GUAM

UNITED STATES OF AMERICA,

Plaintiff,

Criminal Case No. 08-00018

vs.

ERNESTO PAGLICAWAN VERDERA
and MARK ANTHONY BARTOLOME,

Defendants.

DECLARATION OF TRIAL ATTORNEY LYNN C. HOLLIDAY

I, Lynn C. Holliday, do hereby declare the following pursuant to 28 U.S.C. §1746:

1. I am a Senior Trial Attorney in the U.S. Department of Justice, Criminal Division, Office of International Affairs. I have been with the Department of Justice for 11 years, and in my current capacity for over 2 years. In preparing this Declaration, I have relied upon the knowledge of other federal attorneys and staff with whom I work.

2. In the course of my work in the Office of International Affairs, I have facilitated the preparation and transmittal of requests to several countries for foreign evidence and have served as the back-up attorney for Letter Rogatory requests to Germany. I am, therefore, familiar with the procedures and processes governing such requests.

3. On information and belief, the Office of International Affairs was contacted by prosecutor Marivic P. David, Assistant United States Attorney, Territory of Guam, on May 30, 2008, for information about submitting a request for assistance to Germany. On that date, Senior Trial Attorney Linda Otani McKinney, who is the attorney assigned to the German docket at the Office of International Affairs, provided Ms. David with a sample request to Germany. On June

4, 2008, Ms. David submitted a draft request for assistance to Ms. McKinney for review. In the following days, Ms. McKinney had continuous contact with Ms. David as they prepared the Letter Rogatory request. On June 16, 2008, the final request was completed, and the document was submitted to Ms. David to obtain the Court's signature. On June 20, 2008, the request was signed by the Court and thereafter, submitted for translation by the Office of International Affairs. On July 2, 2008, the Letter Rogatory, with German translation, was sent by Federal Express to the German Federal Justice Ministry for execution.

4. The Letter Rogatory request seeks the assistance of German authorities in obtaining a host of records, including tax, currency, and bank records. Based on Ms. McKinney's review of the request and her general experience and familiarity with previous U.S. efforts to obtain foreign evidence from Germany, it reasonably appears to her that some, if not all, of the evidence requested by Ms. David can be obtained from Germany. It also reasonably appears to Ms. McKinney that it will take 3-6 months, at a minimum, for German authorities to obtain and transmit the information requested in the U.S. request.

I declare under penalty of perjury that the foregoing is true and correct.

7-24-08

Date

Lynn C. Holliday

Lynn C. Holliday

Trial Attorney

Office of International Affairs